

**Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2622**

PATENT
ATTORNEY DOCKET: 46884-5433

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Hiroya KOBAYASHI, et al.)	Confirmation No.: 6587
Application No.: 10/554,106)	Group Art Unit: 2622
Filed: August 28, 2006)	Examiner: Yogesh K. Aggarwal
For: SOLID-STATE IMAGING DEVICE)	

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Alexandria, VA 22314

Sir:

RESPONSE AND REQUEST FOR RECONSIDERATION
TRANSMITTAL FORM

1. Transmitted herewith is an Amendment in response to the non-final Office Action dated August 4, 2009.
2. Additional papers enclosed:
 - ☒ Notice of Appeal
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicant's petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> One month	\$ 130.00	\$ 65.00
<input type="checkbox"/> Two months	\$ 490.00	\$ 245.00
<input checked="" type="checkbox"/> Three months	\$ 1,110.00	\$ 555.00
<input type="checkbox"/> Four months	\$ 1,730.00	\$ 865.00

Extension of time fee due with this request: \$ **1,110.00**

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of _____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS CURRENTLY PENDING						
	Claims Currently Pending		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	6	minus	20	0	x \$52 each =	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	2	minus	3	0	x \$220 each =	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$390.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ A fee in the amount of \$ **1,650.00** for the 3-month extension of time fee (\$1,110.00) and Notice of Appeal fee (\$540.00) is to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.**
- ☐ The Commissioner is hereby authorized to charge _____ to Deposit Account No. 50-0573 for the _____ fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Dated: February 3, 2010

By: 

John G. Smith

Registration No. 33,818

Customer No. 055694

DRINKER, BIDDLE & REATH LLP

1500 K Street, N.W., Suite 1100

Washington, D.C. 20005-1209

Tel: (202) 842-8800

Fax: (202) 842-8465